

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

REQUEST FOR CONFIDENTIAL TREATMENT )	
OF INFORMATION FILED WITH SOUTH )	
CENTRAL BELL TELEPHONE COMPANY'S )	CASE NO. 93-335
PROPOSED CONTRACT WITH THE SHELBY )	
COUNTY BOARD OF EDUCATION FOR )	
MEGALINK® SERVICE )	

O R D E R

This matter arising upon petition of BellSouth Telecommunications, Inc. d/b/a South Central Bell Telephone Company ("South Central Bell") filed September 10, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of cost information filed in support of South Central Bell's proposed contract with the Shelby County Board of Education for MEGALINK® service on the grounds that disclosure of the information is likely to cause South Central Bell competitive injury and it appearing to this Commission as follows:

South Central Bell has contracted with the Shelby County Board of Education to provide MEGALINK® service, a service tariffed in South Central Bell's Private Line Service tariff. In support of its application for approval of the contract, South Central Bell has provided cost data which it seeks to protect as confidential.

The information sought to be protected is not known outside of South Central Bell and is not disseminated within South Central Bell except to those employees who have a legitimate business need to know and act upon the information. South Central Bell seeks to

preserve and protect the confidentiality of the information through all appropriate means.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this statute requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that section is commercial information confidentially disclosed to the Commission. To qualify for that exemption it must be established that disclosure of that information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

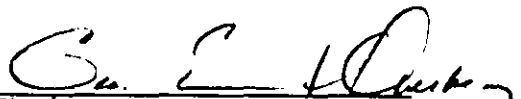
South Central Bell's competitors for the proposed service are private microwave systems, providers of fiber networks, and providers of small satellite systems for the provision of private line services. Disclosure of the cost information sought to be protected would allow such competitors to determine cost and contribution levels associated with South Central Bell's operation in this state. This information would be helpful to competitors in marketing their services, therefore, disclosure of the information is likely to cause South Central Bell competitive harm and the information should be protected as confidential.


This Commission being otherwise sufficiently advised,

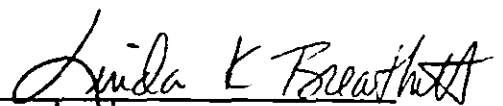
IT IS ORDERED that the cost support information developed by South Central Bell in connection with its proposed contract with the Shelby County Board of Education for MEGALINK® service, which South Central Bell has petitioned to be withheld from public disclosure, shall be held and retained by this Commission as confidential and shall not be open for public inspection.

Done at Frankfort, Kentucky, this 5th day of October, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director